THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 19416 of 2007

Date: 18.12.2007

Between:

Singireddy Venkat Reddy and others

..... PETITIONERS

AND

Deputy Registrar of Co-operative Societies,
Miryalaguda, Nalgonda, Nalgonda District and
another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 19416 of 2007

Order:

The main grievance of the petitioners in this writ petition is that before issuing the impugned proceedings dated 22.08.2008, proposing to conduct a meeting on 14.09.2007 for consideration of No-confidence motion at the seat of the Society, no notice, as contemplated under Section 34-A, sub-section (3) of the A.P. Co-operative Societies Act, 1964, was issued to them. Hence, they filed the present writ petition seeking to quash the said proceedings. This Court, on 13.09.2007, while admitting the writ petition, has passed the following interim order in W.P.M.P. No. 24972 of 2007:

> "It is the case of the petitioners that the proposed meeting for considering the No-Confidence motion is in contravention of the time frame fixed under Section 34 (A)(3) of the A.P. Co-operative Societies Act, 1964. It is their further case that notice was not served on them.
>
> On instructions, it is submitted by the learned Government Pleader that notice sent to the first and third petitioners by Registered Post Acknowledgement Due was not returned served.
>
> In that view of the matter, there shall be interim suspension as prayed for.
>
> Notice."

Heard the learned counsel for the petitioners, learned counsel for respondent Nos.3 to 12, and the learned Government Pleader appearing for respondent Nos. 1 and 2.

Though the learned counsel argued the matter on several aspects, ultimately they submitted that as per sub-section (3) of Section 34-A of the A.P. Co-operative Societies Act, 1964, for any reason holding of meeting is stayed by an order of a Court the meeting shall be adjourned, and the Registrar shall hold the adjourned meeting on a date not later than thirty days from the date on which he received the intimation about the vacation of stay, after giving to the members notice of not less than fifteen clear days of such adjourned meeting. They further submitted that since the proposed meeting is postponed, by virtue of the interim orders passed by this Court, in stead of going into the controversy as to whether the notice, as contemplated under Section 34-A, sub-section (3) of the A.P. Co-operative Societies Act, 1964, was served to the petitioners or not and whether there is any violation of the said provisions, a direction be given to respondent No.1 to conduct the adjourned meeting by following the procedure prescribed under Section 34-A, sub-section (3) of the A.P. Co-operative Societies Act, 1964.

Having regard to the facts and circumstances of the case, and in view of the agreed stand taken by all the counsel, I deem it appropriate to allow the writ petition.

Accordingly, the writ petition is allowed. The impugned proceedings dated 22.08.2007, issued by respondent No.1, are quashed and liberty is granted to respondent No.1 to hold the adjourned meeting, after following the procedure prescribed under Section 34 (A), sub-section (3) of the A.P. Co-operative Societies Act, 1964. No costs.

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N.V. RAMANA, J.

Date: 18.12.2007
Nsr